



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 17 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5954 9520

Tony F. Mack, Mayor
City of Trenton
319 East State Street
Trenton, NJ 08608

RE: In the Matter of: Trenton Water Works
PWS ID: NJ1111001, Docket No. SDWA-02-2013-8013

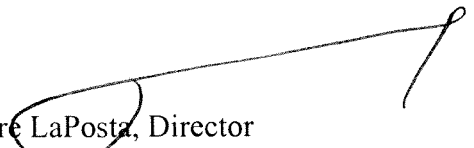
Honorable Mayor Mack:

Enclosed you will find an Administrative Order ("AO"). Among other things, the AO finds that Trenton Water Works is a public water supplier as defined by the Safe Drinking Water Act ("SDWA") and 40 C.F.R. §141.2, and is, therefore, subject to its requirements. The Environmental Protection Agency ("EPA") also finds that Trenton Water Works failed to comply with the SDWA and New Jersey regulation N.J.A.C. 7:10. The enclosed AO requires Trenton Water Works to comply with these requirements.

I urge your cooperation in assuring that the requirements of the enclosed AO are met. The violation of an AO may subject the violator to an administratively assessed civil penalty not to exceed \$37,500 per day of violation.

If you have any questions regarding this matter, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section at (212) 637-3093.

Sincerely,


Doré LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Marcedius Jameson, NJDEP
Rai Belonzi, NJDEP
Karen Fell, NJDEP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

Trenton Water Works
Route 29
Trenton, NJ 08604

PWS ID: NJ1111001

Respondent

ADMINISTRATIVE ORDER

**Docket No.
SDWA-02-2013-8013**

I. STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("SDWA" or "the Act"), 42 U.S.C. Section 300g-3(g), and duly delegated to the Director of the Division of Enforcement and Compliance Assistance of Region 2.

II. FINDINGS

1. The City of Trenton (hereinafter "Respondent") owns and/or operates the Trenton Water Works "public water system", within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in Trenton, NJ.
2. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300(f)(5), and 40 C.F.R. §141.2.
3. Respondent is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and is subject to an Administrative Order ("AO") issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300(g)-3(1).
4. Respondent's public water system ("PWS") provides water for human consumption. Respondent's PWS regularly serves at least 15 service connections used by year-round residents and/or serves a population of at least 25 individuals, and is therefore a "community water system" ("CWS"), as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15). Respondent is therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g *et seq.*, and its implementing regulations found at 40 C.F.R. Part 141.

5. The New Jersey Department of Environmental Protection (“NJDEP” or “State”) administers the Public Water Supply Supervision Program in New Jersey pursuant to Section 1413 of the SDWA. The approval of primary enforcement responsibility from EPA to NJDEP was effective as of July 13, 1979. NJDEP is the primacy agency, as that term is defined in 40 C.F.R. §142.2. However, NJDEP referred the Trenton Water Works PWS to EPA for further investigation and appropriate action as part of the Fiscal Year (FY) 2013 EPA-NJDEP Inspection Workplan.
6. Pursuant to Section 1414(i)(4) of the SDWA, 42 U.S.C. §300g-3(i)(4), the implementing regulations for New Jersey’s Safe Drinking Water Program (N.J.A.C. 7:10) are applicable requirements of the SDWA.

Maximum Contaminant Level for Total Trihalomethanes

7. Pursuant to 40 C.F.R. §141.625(b), a system is in violation of the Maximum Contaminant Level (“MCL”) for Total Trihalomethanes (“TTHMs”) when the Locational Running Annual Average (LRAA), calculated based on four consecutive quarters of monitoring, exceeds the MCL established in 40 C.F.R. §141.64(b)(2). The MCL for TTHMs, as established in 40 C.F.R. §141.64(b)(2) is 0.080 mg/L.

Combined Filter Effluent Turbidity

8. Pursuant to 40 C.F.R. §141.74(c)(1), combined filter effluent (“CFE”) turbidity monitoring must be performed on representative samples of the system’s filtered water every four hours (or more frequently) that the system serves water to the public. A PWS may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the State.
9. Pursuant to N.J.A.C. 7:10-9.6(a) and (b), each supplier of water with an existing surface water filtration plant shall install a continuous analyzer/recorder to monitor the turbidity of the CFE or plant effluent by June 30, 1997. The accuracy of performance of each analyzer/recorder shall be verified by taking a grab sample of the effluent at least once in every 24-hour period.

Continuous Monitoring of the Residual Disinfectant Concentration Entering the Distribution System

10. Pursuant to 40 C.F.R. §141.74(c)(2), the residual disinfectant concentration of water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.

Public Notification

11. Pursuant to 40 C.F.R. §§141.201(a) and (b), each operator or owner of a PWS must give notice for all violations of national primary drinking water regulations, including violations to the MCL, treatment technique (TT), monitoring requirements and testing procedures. Public notice requirements are divided in three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effect that may be involved.

Chemical Feed Systems and Security

12. Pursuant to N.J.A.C. 7:10-11:12 (a)(4), chemical feeders in the drinking water treatment process shall be equipped with a device that accurately measures the amount of chemical feed. In addition, pursuant to N.J.A.C. 7:10-11:12(e)(2), safety shower(s) shall be provided for employees where hazardous chemical are handled. Such showers shall be in close proximity to the handling location.

Findings of Violations

13. On May 3-13, 2013, EPA and NJDEP conducted a sanitary survey at Respondent's PWS. Pursuant to 40 C.F.R. §141.723, a sanitary survey is an onsite review of the water source, facilities, equipment, operation, maintenance, and monitoring compliance of a PWS to evaluate the adequacy of the PWS, its source and operations, and the distribution of safe drinking water. Based on the evaluation of records for the period of January 2010 through April 2013 and an inspection of the Trenton Water Works treatment plant, it was observed that:
 - a. Trenton Water Works PWS failed to meet the MCL for TTHMs at the Capitol Refrigeration sampling site (40 CFR §141.625 (b)). NJDEP issued a Notice of Violation in March 2013. Public notice was issued.
 - b. The CFE turbidity is regularly determined by the collection of grab samples, in violation of N.J.A.C. 7:10-9.6 that requires PWSs utilizing surface water, to monitor the CFE using continuous monitoring equipment.
 - c. The residual chlorine concentration entering the distribution system, as reported to NJDEP, is based on grab samples collected every hour, violating 40 C.F.R. §141.74, which requires the residual chlorine concentration to be measured continuously, and, if there is a failure in the continuous monitoring equipment, the system may collect, for up to five days, grab samples. No documentation was observed proving that a Public Notice was conducted, as established in 40 C.F.R. Part Q.
 - d. The eye wash in the chemical room is clogged and the shower in the outside delivery area is not in operation, in violation of N.J.A.C. 7:10-11:12. In addition, chemicals in the dewatering sludge facility are stored underneath the shower, which impedes access to the shower in case of an emergency.

- e. There are no day tanks for the ferric chloride or fluoride feeds. The ferric chloride feeder cannot be calibrated and the lime feeder solution strength cannot be checked, in violation of N.J.A.C. 7:10-11:12(a)(4).

Significant Deficiencies

- 14. Pursuant to 40 C.F.R. §141.723, a significant deficiency includes a defect in design, operation, or maintenance, or a failure of malfunction of the sources, treatment, storage, or distribution system that EPA determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.
- 15. Based on the file review and inspection conducted at Respondent's system, the following significant deficiencies were identified:
 - i. Lack of water circulation at the Whitehorse storage tank results in problems with stagnation and water age.
 - ii. A Supervisory Control and Data Acquisition (SCADA) system controls and monitors various processes within the treatment plant. Continuous monitoring equipment for various processes are reporting data inconsistently and/or inaccurately, resulting in the need to assign the limited staff to collect grab samples. A comprehensive evaluation of the SCADA system and continuous monitoring devices must be performed to determine if it needs to be updated or replaced.
 - iii. Leak near the floor of the east clear well. Water is leaking into the high service pump rooms.
 - iv. There are 19 vacancies out of 44 positions at the treatment plant.
- 16. By letter dated July 12, 2013, EPA notified Respondent of the above referenced significant deficiencies. Respondent has 45 days from receipt of letter to provide corrective action plan.
- 17. EPA is issuing this Administrative Order to place Respondent on an enforceable schedule to comply with the requirements of the SDWA and NJDEP applicable regulations.

III. ORDER

- 1. Within ten (10) days of receipt of this AO, Respondent must submit to EPA the documents required by the NJDEP letter dated April 11, 2013 (enclosed).
- 2. Within forty-five (45) days of receipt of this AO, Respondent must submit to EPA and NJDEP, for evaluation and approval, an action plan for the correction of violations identified in paragraph 13 above. The action plan must detail the steps that Respondent will take to return to compliance, including milestones and completion dates.

3. Within forty-five (45) days of receipt of this AO, Respondent must notify the public of the failure to continuously monitor for the chlorine residual concentration. A copy of the public notice and certification that it was completed must be submitted to EPA and NJDEP within ten (10) days of its completion.
4. All information required to be submitted by this Order to EPA and NJDEP shall be mailed to:

Nicole Foley Kraft
Groundwater Compliance Section
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866
(212) 637-3093

and

Rai Belonzi, Chief
Bureau of Water Compliance and Enforcement-Central
New Jersey Department of Environmental Protection
Mail Code 44-03
Trenton, NJ 08625

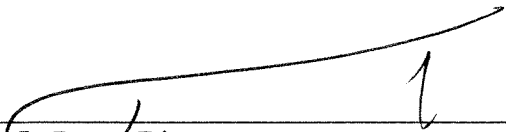
IV. GENERAL PROVISIONS

1. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with all of the requirements of the Act and Part 141 may subject Respondent to additional enforcement action, including but not limited to judicial, administrative and equitable actions.
2. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver, suspension or modification of the requirements of the Act, or the rules and regulations promulgated thereunder which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.
3. The Respondent may be subject to an administrative civil penalty of up to \$32,500 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$32,500 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. §300g-3(g)(3)(C). A violation of any term of this Order may also subject the

Respondent to a judicial civil penalty of up to \$37,500 per day per violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).

4. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
5. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State or local law.
6. This Administrative Order shall take effect upon the signature of the Director, Division of Enforcement and Compliance Assistance.

ORDERED, this 17th day of JULY, 2013.



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance